

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 07-cv-09577-JGK

ALL RIGHT, TITLE AND INTEREST
IN REAL PROPERTY AND
APPURTENANCES LOCATED AT
18801 COLLINS AVENUE, APARTMENT
322-3, SUNNY ISLES BEACH, FLORIDA
33160, AND

ALL RIGHT, TITLE AND INTEREST
IN REAL PROPERTY AND
APPURTENANCES LOCATED AT
85 BRAINERD ROAD, TOWNHOUSE 9,
BOSTON, MASSACHUSETTS 02134

Defendants-in-rem.

**CLAIM OF WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION,
AS TRUSTEE FOR REGISTERED HOLDERS OF OPTION ONE MORTGAGE
LOAN TRUST 2002-5, ASSET-BACKED CERTIFICATES, SERIES 2002-5**

Submitted by:

Steven J. Baum, P.C.

*Attorneys for Wells Fargo Bank Minnesota, National Association, as Trustee
for Registered Holders of Option One Mortgage Loan Trust 2002-5, Asset-Backed
Certificates, Series 2002-5*

220 Northpointe Parkway, Suite G
Amherst, NY 14228

Telephone: (716) 204-2400

Facsimile: (716) 204-4600

By: 

Amy E. Przewozny, Esq.

AP0026

aprzewozny@mbaum.com

COMES NOW Claimant, Wells Fargo Bank Minnesota, National Association, as Trustee for Registered Holders of Option One Mortgage Loan Trust 2002-5, Asset-Backed Certificates, Series 2002-5 ("Wells Fargo"), located at c/o Litton Loan Services LP, 4828 Loop Central Drive, Houston, Texas 77081, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, with respect to its mortgage lien interest in the real property known as 85 Brainerd Road, Townhouse 9, Boston, MA 02134 (the "Massachusetts Property"), which the United States of America seeks to forfeit in this case, Wells Fargo being an innocent third party with respect to the Massachusetts Property and being a mortgage lien holder having a legal right, title and interest in the Massachusetts Property superior to any right, title or interest of Maria N. Caicedo.

1. Wells Fargo asserts its interest in the Massachusetts Property sought to be forfeited in this matter and legally described as set forth in Exhibit "A" hereto.

2. On or about June 21, 2002, Maria N. Caicedo executed and delivered to Option One Mortgage Corporation a certain Adjustable Rate Note (the "Note") in the principal amount of \$221,800.00, a true and correct copy of which is attached hereto as Exhibit "B".

3. The Note was and is secured by a Mortgage (the "Security Instrument") dated June 21, 2002. A true and correct copy of the Security Instrument is attached hereto as Exhibit "C".

4. Pursuant to an Assignment of Mortgage (the "Assignment") dated June 27, 2002, Option One Mortgage Corporation transferred and assigned the Note

and Security Instrument to Wells Fargo. A true and correct copy of the Assignment is attached hereto as Exhibit "D".

5. Wells Fargo is the current holder of the Note and Security Instrument, as currently being serviced by Litton Loan Servicing, LP ("Litton").

6. Pursuant to a Limited Power of Attorney dated July 20, 2006, Wells Fargo appointed Litton as its attorney-in-fact. A true and correct copy of the Limited Power of Attorney is annexed hereto as Exhibit "E".

7. There is presently due and owing on the Note a principal balance of \$214,997.14, together with accrued and unpaid interest calculated at the contractual rate under the Note and Security Instrument of 6.950% per annum, for a per diem of \$40.94, due and accruing from March 1, 2005 to the date of payment thereof, plus a current negative escrow balance in the amount of \$16,817.12, plus late charges and other items which continue to accrue and are secured by the Note and Security Instrument until the date of payment, including, but not limited to, property inspections, property preservation, foreclosure fees and costs, plus future advances for taxes, insurance and maintenance of the Massachusetts Property. A true and correct copy of a Payoff Statement good through April 30, 2008, is annexed hereto as Exhibit "F".

8. Wells Fargo has a vested, legal right, title and interest in the Massachusetts Property that is superior to any right, title, or interest of Maria N. Caicedo, sought to be forfeited in this matter.

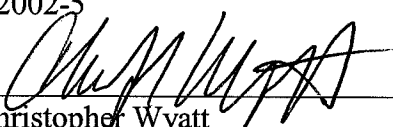
9. Wells Fargo requests that the Court recognize its interest in the Massachusetts Property and order that it be compensated in full for that interest.

STATE OF TEXAS
COUNTY OF HOUSTON

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

Executed on April 25, 2008.

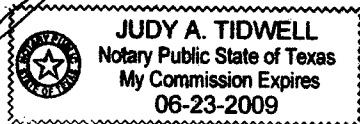
LITTON LOAN SERVICING, LP,
Attorney-in-Fact for WELLS FARGO
BANK MINNESOTA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR
REGISTERED HOLDERS OF OPTION
ONE MORTGAGE LOAN TRUST 2002-5,
ASSET-BACKED CERTIFICATES,
SERIES 2002-5

By: 
Name: Christopher Wyatt
Title: Vice President

STATE OF TEXAS)
COUNTY OF HOUSTON) SS.:

On the 25th day of April, 2008 before me, the undersigned, personally appeared Christopher Wyatt, personally known or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument and that such individual(s) made such appearance before the undersigned in the City/Town of Houston and State of Texas


Notary Public



TO: **ANNA E. ARREOLA, ESQ.**
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2218
Facsimile: (212) 637-2527

**OFFICE OF THE CLERK OF THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF NEW YORK**
500 Pearl Street
New York, New York 10007